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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,580	01/08/2004	Matthew Sommers	GLOZ 2 00153 (#133821)	6610

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EXAMINER	
PREVIL, DANIEL	

ART UNIT	PAPER NUMBER
2636	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/753,580	SOMMERS ET AL.	
	Examiner	Art Unit	
	Daniel Previl	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 September 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,7-14 and 17-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,7-14 and 17-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *01/08/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communication filed on September 26, 2005.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7-14, 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Marshall et al. (US 6,445,139).

Regarding claim 1, Marshall discloses a signaling control device apparatus (abstract; fig. 2) comprising: a light source including at least one LED, the light source having a light emitting surface (fig. 1; col. 2, lines 46-56); at least one sensor (photodiode 24) (col. 2, line 57) set to detect an external light load directed to the light emitting surface (fig. 1-fig. 2; col. 2, lines 57-63) and generate a control signal indicative of a presence of the light (col. 2, lines 64-67; col. 3, lines 11); and an electrical control system 30 for receiving the control signal indicative of the presence of the light load (LED 10, 12, 14) (fig. 1-fig. 2) and triggering an increase in current being supplied to the at least one LED in response to the received control signal which increased (col. 4, lines 46-55) current is being

maintained for at least while the light load is present (col. 4, lines 24-29 and lines 56-59-67).

Regarding claim 2, Marshall discloses one sensor includes a photodiode (col. 2, lines 57-63).

Regarding claim 3, Marshall discloses one LED and at least one sensor are disposed on the printed circuit board (fig. 1-fig. 2).

Regarding claim 4, Marshall discloses one sensor (photodiode 24) (fig. 2) is positioned in a location remote from the printed circuit board (fig. 2).

Regarding claim 7, Marshall discloses the current is continuous (col. 4, lines 43-45).

Regarding claim 8, Marshall discloses the current is pulsing (fig. 4-fig. 5; col. 4, lines 31-44).

Regarding claim 9, Marshall discloses the current is raised by pulsing the current at a frequency higher than visually perceivable (col. 4, lines 24-29).

Regarding claim 10, Marshall discloses a sensor detects a magnitude of the light load (col. 2, lines 57-63) and a control system receives a control signal indicative of a value of the magnitude of the load and generates an increased current to be supplied to the at least one LED in proportion to the load magnitude (col. 4, lines 46-55).

Regarding claim 11, Marshall discloses a method of controlling signaling device (fig. 1-fig. 2; abstract) comprising: providing a light source including at least one LED, the light source having a light emitting surface (fig. 1; col. 2, lines 46-56); setting at least one sensor to detect an external light load directed to the light emitting surface (photodiode 24 senses LEDs of the housing 18) (col. 2, lines 57-63); in response to detecting a presence of the light load, generate a control signal indicative of a presence of the light load (fig. 1-fig. 2; col. 2, lines 64-67; col. 3, lines 1-23); receiving the control signal by an electrical control system (fig. 2); triggering an increase in current being supplied to the at least one LED in response to receiving the control signal (col. 4, lines 46-55); maintaining the elevated current for at least while the light load is being present (col. 4, lines 24-29 and lines 57-65).

Regarding claim 12, Marshall discloses one sensor includes a photodiode (col. 2, lines 57-63).

Regarding claim 13, Marshall discloses one LED and at least one sensor are disposed on the printed circuit board (fig. 1-fig. 2).

Regarding claim 14, Marshall discloses one sensor is positioned in a location remote from the printed circuit board (fig. 2).

Regarding claim 17, Marshall discloses a continuous current and a pulsing current (col. 4, lines 31-45).

Regarding claim 18, Marshall discloses the current is raised by pulsing the current at a frequency higher than visually perceivable (col. 4, lines 24-29).

Regarding claim 19, Marshall discloses detecting a magnitude of the light load (col. 2, lines 57-67) and generating an output control signal indicative of a value of the light load magnitude (col. 3, lines 1-23).

Regarding claim 20, Marshall discloses the step of receiving the magnitude value by an electrical control system (col. 4, lines 24-29) and supplying an elevated current to the at least one LED, the elevated current proportionate to the detected light load magnitude (col. 4, lines 46-55).

Regarding claim 21, Marshall discloses continually adjusting a value of the elevated current based on the detected light load magnitude (col. 4, lines 31-64).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall et al. (US 6,445,139) in view of Pierpoint (US 4,273,999).

Regarding claim 22, Marshall discloses all the limitations in claim 14 but fails to explicitly disclose the step of positioning the signaling device on a sharp bend; and orienting the remotely positioned sensor along the bend towards a direction of the external light load.

However, Pierpoint discloses the step of positioning the signaling device on a sharp bend (fig. 2); and orienting the remotely positioned sensor (sunlight) along the bend towards a direction of the external light load (fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Pierpoint in Marshall. Doing so would modify Marshall's system with Pierpoint's system in order to provide signals related to the amount of natural daylight entering a room or a traffic signal thereby increasing the visibility of a driver or a pedestrian to take cautious to avoid accidents for the safety purposes as taught by Pierpoint (col. 1, lines 28-67.

Response to Arguments

5. Applicant's arguments with respect to claims 1-4, 7-14, 17-22 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

O. S. Field (US 2,376,534) discloses a light signal for railroads.

Erickson et al. (US 4,536,847) discloses a Heliostat control employing direct current motor.

Colby (US 6,809,655) discloses a multi-mode signal.

Zimmermann et al. (US 5,952,917) discloses a taillight fixture of a vehicle preferably a motor vehicle.

Muthu et al. (US 6,495,964) discloses a Led luminaire with electrically adjusted color balance using photodetector.

Ryczek (US 5,471,052) discloses color sensor system using a secondary light receiver.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is (571) 272-2971. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Previl
Examiner
Art Unit 2636

DP

November 16, 2005.

JEFFERY HOFSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600